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8	UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	AND THE EASTERN DI	STRICT OF CALIFORNIA
11	MARCIANO DI ATTA 14 1	Com No. COI 1251 THE (N.D. Col.)
12	MARCIANO PLATA, et al.,	Case No. C01-1351 THE (N.D. Cal.)
13	Plaintiffs,	
14	V.  ADNOLD SCHWADZENIEGGED of al	
15	ARNOLD SCHWARZENEGGER, et al.,	
16	Defendants.	Case No. CIV S-90-0520 LKK JFM P
17	RALPH COLEMAN, et al.,	(E.D. Cal.)
18	Plaintiffs,	
19	A DAIOL D. COLUMA D. ZENIEC CED. et al.	
20	ARNOLD SCHWARZENEGGER, et al.,	
21	Defendants.	
22	<i>PLATA</i> RECEIVER'S REQUE	ST FOR PERMISSION TO FILE
23	SUPPLEMENTAL OVI	ST FOR PERMISSION TO FILE ERCROWDING REPORT
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Receiver Robert Sillen requests permission to file a Supplemental Overcrowding Report in both of the captioned actions no later than June 11, 2007.

On February 15, 2007, in connection with plaintiffs' motion to empanel a three-judge court to consider a cap on the State prison population, the Court in *Plata* ordered the Receiver to submit a report setting forth "his best assessment of the manner, and extent to which, overcrowding is interfering with his ability to successfully remedy the constitutional violations" in the State prison health care system. Order, dated Feb. 15, 2007, p. 4. The Receiver did so. In addition, the Receiver made certain recommendations in his Overcrowding Report that he believes should be implemented.

Following submission of the Overcrowding Report, important new information pertaining to overcrowding and its impact on the Receiver's ability to fulfill his duties came to light. On May 31, 2007, the Receiver requested permission to file a motion for implementation of the recommendations that he made in his Overcrowding Report and proposed to discuss such new information in detail in connection with his proposed motion. Upon further reflection, however, the Receiver believes that the additional overcrowding information referenced above is sufficiently relevant to the pending motion for a three-judge panel that he should prepare and file a Supplemental Overcrowding Report that discusses such new information.

Accordingly, the Receiver requests permission to file such a Supplemental Overcrowding Report in both of the captioned actions and proposes to do so not later than June 11, 2007.

Dated: June 4, 2007

FUTTERMAN & DUPREE LLP

By:

Attorneys for Receiver Robert Sillen

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<sup>1</sup> In requesting permission to file a Supplemental Overcrowding Report, the Receiver is not withdrawing his request to bring a motion for implementation of his recommendations.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies as follows:

I am an employee of the law firm of Futterman & Dupree LLP, 160 Sansome Street, 17<sup>th</sup> Floor, San Francisco, CA 94104. I am over the age of 18 and not a party to the within action.

I am readily familiar with the business practice of Futterman & Dupree, LLP for the collection and processing of correspondence.

On June 4, 2007, I served a copy of the following document(s):

## PLATA RECEIVER'S REQUEST FOR PERMISSION TO FILE SUPPLEMENTAL OVERCROWDING REPORT

by placing true copies thereof enclosed in sealed envelopes, for collection and service pursuant to the ordinary business practice of this office in the manner and/or manners described below to each of the parties herein and addressed as follows:

- BY HAND DELIVERY: I caused such envelope(s) to be served by hand to the address(es) designated below.
- X BY MAIL: I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with Futterman & Dupree's practice for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.
- BY OVERNIGHT COURIER SERVICE: I caused such envelope(s) to be delivered via overnight courier service to the addressee(s) designated.
- BY FACSIMILE: I caused said document(s) to be transmitted to the telephone number(s) of the addressee(s) designated.

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<ul><li>23</li><li>24</li><li>25</li></ul>	Rochelle East Deputy Attorney General 455 Golden Gate Avenue Suite 11000 San Francisco, CA 94102-7004	J. Michael Keating, Jr. 285 Terrace Avenue Riverside, RI 02915
26 27	Dated: June 4, 2007	Lori Dotson